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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,919	09/23/2003	James W. Meadows	59392-010008	3329

7590

03/21/2005

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EXAMINER

RADA, ALEX P

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/668,919	<b>Applicant(s)</b> MEADOWS ET AL.	
	<b>Examiner</b> Alex P. Rada	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 117-135, 137, 141, 143-148 and 152-157 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 117-135, 137, 141, 143-148 and 152-157 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/882,652.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/4/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

In response to the amendment filed January 4, 2005 in which the applicant's cancel claims 87-116, 136, 138-140, 142, and 149-151, amends claims 137, 141, and 145, adds new claims 152-157, and claims 117-135, 137, 141, 143-148, and 152-157 are pending in this application.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flow chart of the method claims 117-134 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 117-120 and 122-123 are rejected under 35 U.S.C. 102(e) as being anticipated by Meifu et al. (2002/0004723).

4. Meifu et al discloses the following:

A handheld device (1) having a unique identification number (paragraph 0052), the unique identification number in a memory of the handheld device (paragraph 0052), retrieving the unique identification number from memory of the

handheld device (figure 1 and paragraph 0053), when logging into a web site (internet), and permitting user access, via the handheld device, to an area of the web site in response to the unique identification number retrieved from the memory of the handheld device (summary and figure 1) as recited in claim 117.

The area accessed has golf course data available for downloading based on purchases or subscription associated with the unique identification number (paragraphs 0058, 0079, 0119-0122, and figures 15A-15C) as recited in claim 118.

The area accessed has golf course information recorded by the user (paragraph 0050) as recited in claim 119.

The area accessed has folder areas containing collections of specific course information to be downloaded to the handheld device (paragraph 00059) as recited in claim 120.

The golf course data to be downloaded is encrypted using a key for the unique identification number based on a static key (paragraph 0101) as recited in claim 122.

The golf course data to be downloaded is encrypted using a key for the unique identification number based on a rotating key (paragraph 0101) as recited in claim 123

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 121 and 124-134 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meifu et al. (2002/0004723) in view of Silzer Jr. (US 2001/0045904).

7. Meifu et al discloses the claimed invention as discussed above except for the following:

The area accessed has user-preferred settings for the handheld device as recited in claim 121.

One or more screens are displayed on the handheld device based on the unique identification number as recited in claim 124.

The one or more displayed screens have one or more advertising screens for a group of unique identification numbers as recited in claim 125.

The one or more displayed screens have a sponsor screen for a group of unique identification number as recited in claim 126.

The one or more displayed screens have a personal startup screen for the unique identification number as recited in claim 127.

At least one security protocol is invoked based on the unique identification number as recited in claim 128.

The security protocol invokes disables or reduces the functionality of the handheld device as recited in claim 129.

Automatically updating a current application software on the handheld device based on the handheld device reporting, upon connection to the web site, the current application software version running on the handheld device, and the web site downloading an appropriate application software update from a file storage area on the web site as recited in claim 130.

The application software update corresponds to the unique identification number of the handheld device as recited in claim 131.

The application software update corresponds to a group of unique identification numbers as recited in claim 132.

The information or data may be streamed to the handheld device or a group of handheld devices on unique identification number lookups associated to real-time data field updates in a website server database as recited in claim 133.

The data is uploaded or streamed in real-time from the handheld device to the web site and associated with the unique identification number of the handheld device as recited in claim 134.

Silzer Jr. teaches the following:

The area accessed has user-preferred settings for the handheld device (paragraph 0129 and figures 14-20) as recited in claim 121.

One or more screens are displayed on the handheld device (paragraph 0129 and figures 14-20) as recited in claim 124.

The one or more displayed screens have one or more advertising screens (paragraph 0129 and figures 14-20) as recited in claim 125.

The one or more displayed screens have a sponsor screen (paragraph 0129 and figures 14-20) as recited in claim 126.

The one or more displayed screens have a personal startup screen (summary and figures 14-20) as recited in claim 127.

At least one security protocol is invoked (paragraph 0116) as recited in claim 128.

The security protocol invokes disables or reduces the functionality of the handheld device (paragraph 0189) as recited in claim 129.

Automatically updating a current application software on the handheld device based on the handheld device reporting, upon connection to the web site, the current application software version running on the handheld device, and the web site downloading an appropriate application software update from a file storage area on the web site, in which the examiner interprets the updating of information to be done during charging to be a functional equivalent to automatically updating a current application software on the handheld device based on the handheld device reporting, upon connection to the web site (summary) as recited in claims 130 and 131.

The application software update corresponds to a group of unique identification numbers, in which the examiner interprets the different handheld devices for a given recreational activity to be an equivalent to the application software update corresponds to a group as recited in claim 132.



The information or data may be streamed to the handheld device or a group of handheld devices on unique identification number lookups associated to real-time data field updates in a website server database (summary) as recited in claim 133.

The data is uploaded or streamed in real-time from the handheld device to the web site and associated with the unique identification number of the handheld device (summary) as recited in claim 134. By having different displayed screens based on the unique identification number, security protocols, and application updates one of ordinary skill in the art would provide users with a safe and secure system-having variety of options during course of play.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Meifu to include one or more screens displaying advertising screens, sponsor screens, personal startup screen, security protocols, and software updates as taught by Silzer Jr. to provide users with a safe and secure system having variety of options during course of play.

8. Claims 135, 141, 145-148, 152, and 154-157 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnard (US 6,456,938) in view of Fisher (US 5,507,485).
9. Barnard disclose an integrated hand held golfing device having the following:

An integrated device having a computing device (figure 1), a GPS device (20), a display, the GPS adapted to produce measured location information corresponding to a location of the GPS device independent of golf course infrastructure (column 13, lines 1-41), a means for modifying the measured

location information to account for changes in environmental conditions to obtain corrected location information (column 2, lines 36-61), in which the examiner interprets the means for modifying the latitude, longitude, and altitude to be the automatic corrections executed by the GPS device (background), a means for determining the distance between the GPS device and the object by using corrected location information, a means for determining an accuracy potential percentage of the distance, in which the examiner interprets the dilution of precision to be a equivalent to the means for determining an accuracy potential percentage of the distance (column 4, lines 10-37) and the device is adapted to display the distance on the display (figure 17) as recited in claims 135 and 152.

Storing location values for multiple golf course targets on the device based on GPS measurement taken on a first date using the GPS device (column 13, line 1-48), generating corrected location values on the first date and a second date, in which the examiner interprets the stored map data to be equivalent the first and a second, and computing, independent of the golf course infrastructure, the distance between the desired point and one of the multiple target using the corrected location values and the location information concerning the desire point, in which the examiner interprets the mapping of the course to be an equivalent to the desired point and one of the multiple targets (column 13, line 1-48), and the tunable GPS parameters are used to obtain the GPS measurements (column 4, lines 10-37 and column 13, line 1 – column 14, line 46) as recited in claim 141.

An integrated device having a computing device (figure 1), a GPS device (20), a display, the GPS adapted to produce measured location information corresponding to a location of the GPS device independent of golf course infrastructure (column 13, lines 1-41), a means for modifying the measured location information to account for changes in environmental conditions to obtain corrected location information (column 2, lines 36-61), in which the examiner interprets the means for modifying the latitude, longitude, and altitude to be the automatic corrections executed by the GPS device (background), a means for determining the distance between the GPS device and the object by using corrected location information, a representation of the object is displayed on the apparatus display and the representation varies to approximate the view of the object as seen from the golfer's line of sight, in which the examiner interprets the zoom and pan feature to be a functional equivalent to the representation of the object is displayed on the apparatus display and the representation varies to approximate the view of the object as seen from the golfer's line of sight (column 24, lines 44-55 and figures 5, 16-17, and 24) and the device is adapted to display the distance on the display (figure 17) as recited in claims 145 and 154.

The object is a green and a moveable cross hair (cursor) is displayed on the display and the distance between the apparatus and the position of the cross hair (cursor) is computed and displayed (figures 5 and 17) as recited in claims 146 and 155.

The cross hair is displayed so that a portion thereof intersects the boundary of the displayed green at an intersection point and the distance between the apparatus and the position of the intersection point to the green is computed and displayed (figures 5 and 17) as recited in claims 147 and 156.

The cross hair displayed so that one or more portion thereof intersect the boundary of the displayed green at two intersection point and the distance between the apparatus and the portion of each of the two intersection points relative to the green are computed and displayed (figures 5 and 17) as recited in claims 148 and 157.

Barnard does not expressly disclose the following:

Determining the distance by using previously stored information concerning the location of the object as recited in claims 135, 141, and 145.

Generating corrected location values using the device based on different in environment condition and obtain location information concerning a desired point using the GPS device as recited in claim 141.

Fisher teaches the following:

Determining the distance by using previously stored information concerning the location of the object (column 9, lines 36-67) as recited in claims 135, 141, and 145.

Generating corrected location values using the device based on different in environment condition and obtain location information concerning a desired point using the GPS device (summary) as recited in claim 141. By using previously

stored information concerning the location of an object and the changes of environmental conditions, one of ordinary skill would provide a golfer with precise information on a golf shot.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Barnard to include determining the distance by using previously stored information concerning the location of the object and generated corrected environmental conditions as taught by Fisher to provide an avid golfer with a precise distance between a golfer's ball to the hole.

10. Claims 137 and 153 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnard (US 6,456,938) in view of Fisher (US 5,507,485) and Rudow et al. (US 2002/0016674).

11. Barnard discloses the following:

An integrated device having a computing device (figure 1), a GPS device (20), a display, the GPS adapted to produce measured location information corresponding to a location of the GPS device independent of golf course infrastructure (column 13, lines 1-41), a means for modifying the measured location information to account for changes in environmental conditions to obtain corrected location information (column 2, lines 36-61), in which the examiner interprets the means for modifying the latitude, longitude, and altitude to be the automatic corrections executed by the GPS device (background), a means for determining the distance between the GPS device and the object by using corrected location information, and the device is adapted to display the distance on the display (figure 17) as recited in claims 137 and 153.

Barnard does not expressly disclose the following:

Determining the distance by using previously stored information concerning the location of the object and a means for displaying pace of play of a golfer relative to a predetermined normal pace of play as recited in claims 137 and 153.

Fisher teaches the following:

Determining the distance by using previously stored information concerning the location of the object (column 9, lines 36-67) as recited in claim 137 and 153. By using previously stored information concerning the location of an object, one of ordinary skill would provide a golfer with precise information on a golf shot.

Rudow et al teaches the following:

Displaying pace of play of a golfer relative to a predetermined normal pace of play (paragraph 0058 and figure 25) as recited in claim 135. By displaying the pace of play, one of ordinary skill in the art would provide golfers with an indication of how fast or slow there game is being played.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Barnard to include determining the distance by using previously stored information concerning the location of the object and a means for displaying pace of play of a golfer relative to a predetermined normal pace of play as taught by Fisher and Pippin et al to provide

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a golfer with precise information on a golf shot and the relative tempo of the game.

12. Claims 143 and 144 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnard (US 6,456,938) in view of Meifu et al. (2002/0004723).

13. Barnard discloses the following:

Surveying a plurality of golf course related objects using an integrated hand held device having an interconnected computing device, a GPS device, a device display means (summary and figures 1 and 3), storing data from the surveyed objects on the integrated handheld apparatus (column 13, lines 1-41), accessing a website and uploading (column 6, lines 13-16) and storing the data to a database associated with the web site and formatting the uploaded data for subsequent downloading by at least one authorized user accessing the website (column 16, line 47 – column 18, line 51) as recited in claim 143.

Enabling access to the website to at least one user via an integrated handheld device and downloading user selected data for a selected desired golf course from the database to the integrated handheld device (column 16, line 47 – column 18, line 51) as recited in claim 144.

Barnard does not expressly disclose the following:

A stored unique identification number as recited in claims 143 and 144.

Meifu et al teaches the following:

The portable communication terminal has an identification number (summary and paragraphs 0052 and 0057) as recited in claims 143 and 144. By

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*APR*  
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JESSICA HARRISON  
PRIMARY EXAMINER